



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	November 30, 2015
Subject:	PUD-KS (Volpe Site) Rezoning Petition
Recommendation:	The Planning Board recommends ADOPTION of the petition, with suggested modifications.

To the Honorable, the City Council,

On October 20, 2015 and November 17, 2015, the Planning Board held a public hearing on a refiled petition by the Planning Board to amend Section 13.10 of the Zoning Ordinance, which controls development in the PUD-KS District in Kendall Square, the majority of which is Federal-owned land occupied by the Volpe National Transportation Systems Center. This petition was refiled after having been heard jointly by the Planning Board and Ordinance Committee on June 29 and again by the Planning Board on July 14. As the petitioner, the Board has also held many past discussions in the process of formulating the proposal. In addition to hearing public comment, the hearings and discussions on this project allowed the Board to also hear about the City Council's priorities and these have informed the Board's consideration and recommendation.

The Board strongly supports adoption of this zoning proposal as an advancement of the Kendall Square (K2) planning study conducted by the city in 2011-2012. This study supported increasing the capacity for growth in Kendall Square as a whole, given its importance to the economy of Cambridge and the region, while leveraging desired improvements to the area including a significant amount of new housing, active ground floor spaces to bring life to the streets, retail, open space and other community uses that will help make Kendall Square a destination for residents of surrounding neighborhoods, innovation space that provides opportunities for small emerging businesses to find a place in Kendall Square, high standards for sustainable design and development, parking limits to reduce reliance on automobile travel, and funding contributions to support public space programming, transit improvements and workforce readiness.

Within the broader context of Kendall Square planning, the PUD-KS district is unique in that it includes one of the few large sites that has remained unchanged for the past several decades while the rest of Kendall Square has experienced substantial transformation. The 14.2-acre Volpe site is one of the last best opportunities to accommodate future commercial development, housing, public space, retail and other uses within the part of Cambridge that is best suited for growth. Since the publication of the K2 study, the U.S. General Services Administration (GSA) and Department of Transportation (DOT) have announced an effort to develop the site in a way

that would provide a new home for the Volpe Center in exchange for development of the rest of the site for private uses subject to the City's zoning and development review processes.

The Board supports the goal of providing a great new facility for the Volpe Center in Kendall Square, as it is a public institution performing cutting-edge research that benefits the entire country. The Board also believes that this process provides an opportunity for the City, through its planning and zoning, to express the City's objectives for the site before developers submit their proposals to the GSA. Even if the City adopts zoning changes setting overall expectations at this early stage, a selected developer may still request further zoning changes that would require review and negotiation with the Council.

The Board acknowledges that this opportunity is not a guaranteed success. No change has occurred under current or previous iterations of the zoning for this site. The success of a redevelopment plan relies on the willingness of the Federal government to pursue it, which is jeopardized by the unpredictability of political change at the Federal level. If the current plan fails, it is difficult to predict what other plans may be devised for the site.

Additionally, the Board received information from a high-level financial analysis prepared with the assistance of the Cambridge Redevelopment Authority (CRA) and their economic consultants. Though this analysis relied on many unknown factors, it shows that the value of a development under the current zoning proposal could be at an approximate scale that would likely enable the construction of a new Volpe facility and other public site improvements, but does not appear to result in a large "giveaway" to a private developer.

Modifications

At the November 17 hearing, staff prepared a set of suggested modifications to the zoning that respond to comments made at the previous Planning Board and Ordinance Committee hearings, as well as conversations held with community members throughout the summer and fall. In its recommendation, the Board endorses these modifications with some changes, as described below and specified in the attached revised zoning text.

- **Affordable Housing:** The revision to increase the minimum percentage of affordable low-to-moderate income housing to 15% of total housing, and to continue to require 5% of total housing to be affordable to middle-income households, is a strong improvement and would set a high standard for affordable housing that is fully supported by private market development.
- **Open Space:** The results of the *Connect Kendall Square* planning competition, and the site studies provided in the Urban Design Framework (discussed below), demonstrate that public spaces of significant size and quality could be created under the proposed zoning. The suggested changes improve the petition by providing detail about the desired connections and functions of open space, particularly in identifying the alignment of the Broad Canal and the Sixth Street walkway as ideal opportunities for new and improved public space. The extension of the Broad Canal as a true water feature is seen as a great opportunity; however,

the Board would suggest including this as a guideline for development rather than a zoning requirement.

The Board also supports limiting the amount of open space that can serve to fulfill the public open space requirement on a Federal-owned lot, but recommends setting that limit at 20% of the total requirement, to be more proportional with the expected size of the Federal facility if the rest of the site were redeveloped.

Many community members have expressed the goal of increasing the overall amount of public open space. The Board agrees with this goal, but does not recommend increasing the minimum public open space requirement in the zoning above 25%, which is already the highest open space requirement for a major redevelopment area. The Board would endeavor to seek the best open space result during the development review process, but is concerned that setting the zoning requirement too high might force urban design outcomes that are problematic for other reasons. If the Council decides it is appropriate to increase the minimum requirement in order to set a higher expectation for open space, the Board would recommend flexibility in the zoning language so that the Planning Board could approve modifications during the development review process if it results in a better outcome, but in no case resulting in less than 25% public open space.

- Height: The Board supports the staff suggestion for the zoning to allow greater flexibility in the distribution of heights while limiting building height and bulk above 250 feet. However, in order to have the opportunity to consider better urban design options at the development review phase, the Board would suggest allowing the Planning Board to modify the floor plate limitations above 250 feet and the number of buildings allowed to exceed 350 feet if it achieves a better result. In any case, the Board does not recommend allowing heights greater than 500 feet.
- Active Ground Floors: The Board supports the staff modifications to better specify the types of desired uses, including grocery/convenience/general merchandise stores, space devoted to smaller retail operators, and community-serving spaces such as child care, cultural institutions and indoor play space.
- Urban Design: The Board appreciates the creation of an Urban Design Framework by staff, which illustrates the priorities that should be part of the review of a development plan, including connections, open space, active ground floors, overall built form, and housing for families. Along with the K2 Design Guidelines, these should be viewed as an expression of overall goals and objectives, and should not be seen to specify the exact location and form of buildings. The Board should have the flexibility to consider options during the development review process and to arrive at a result that is feasible from a development standpoint while meeting the public's overall expectations.

One key element of the Board's recommendation is to include an early consultation with the Planning Board as part of any development plan before the submission of a formal Development Proposal. This would provide an opportunity for the Board to consider the

possibilities for the siting, orientation, height and massing of buildings as well as the location of public spaces and connections, and to provide feedback before a developer begins the process of assembling the materials that will be required for the formal Development Proposal application and review process. Current zoning already allows for a developer to request such a consultation as part of any PUD review process. In this case the Board would want to require such a consultation.

The Board also stresses in its recommendation that architectural quality should be a major consideration in the PUD review process, especially for taller buildings that will be more prominent within the area.

- **Transportation:** At the November 17 hearing, the Board heard additional information on potential transportation impacts of development not just on the Volpe site but throughout the area studied in the K2C2 process. This information revisited the assumptions that were made during that study, looking at potential scenarios in which development occurs at a faster rate than anticipated in 2011, and assessed what additional impacts might need to be considered.

One of the variables discussed in this study is that predicted traffic impacts from commercial development can vary widely based on whether space is occupied by lab uses, which tend to have lower employee density, or office uses, which tend to have higher employee density. In order to normalize this difference in impact, the Board recommends setting the same maximum parking ratio for office and lab uses, using the more restrictive standard of 0.8 space per 1,000 square feet, which would further limit overall traffic impact.

However, the larger concern in the Board's opinion is the impact on transit. The impacts on traffic will be limited by the current capacity of the regional road system, which is not likely to expand significantly. The transit system, particularly the Red Line, is the best opportunity to support future growth in Kendall Square, but the system faces obvious challenges with the current capacity and reliability of service. While improvements are technologically feasible, they will require financial and organizational resources to achieve.

The current zoning language specifies the need to perform a traffic study and to incorporate a program of transportation mitigation improvements into a Final Development Plan. At the suggestion of staff, the Board recommends updating that language to require a more robust transportation study and transportation mitigation program that accounts for the entire transportation network in the area, including transit along with other modes of transportation. This type of program would incorporate requirements into the phasing of a project based on determined thresholds, so that required improvements would keep pace with anticipated development impacts.

Respectfully submitted for the Planning Board,



H Theodore Cohen, Chair.

13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS

13.11 *Purpose.* The PUD-KS district is intended to provide for the creation of a vibrant mixed-use district of high quality general and technical office and retail activity, with ~~a significant~~ components of residential use and open space. The retention of government office facilities on the site is desired, as well as space for smaller innovation companies as a component of the commercial office space that is created. The creation of public open space to serve residents of the district and the larger neighborhood, as well as workers, students from nearby institutions and visitors, ~~a large public park~~ is desired. The PUD-KS district permits larger scale development and supporting commercial activities close to Kendall Square and the major public transit services located there. It encourages strong linkages between new development at Kendall Square, the East Cambridge riverfront, and the PUD-KS area and the neighborhoods of eastern Cambridge, facilitated in part by a strong and continuous retail presence along Third Street and Broadway. Development in the PUD-KS district is expected to meet high standards for urban design, architectural design, environmental sustainability and open space design and should be generally consistent with the policy objectives set forth in the Kendall Square Final Report 2013 (K2 Plan) Eastern Cambridge Plan and the guidance provided in with the Eastern Cambridge-Kendall Square Design Guidelines.

13.11.1 *Master Plan Area.* To further the purpose of this Section 13.10, any Development Parcel or portion of a Development Parcel meeting the requirements set forth in Section 13.13.2 below and that is at least five (5) acres in area may be designated as a Master Plan Area, within which physical information shall be presented in a more generalized way, subject to more detailed approval by the Planning Board at a time and in a manner determined by the Board in its PUD special permit decision.

13.11.2 *Master Plan Requirements.* At a minimum, a Development Proposal for a Master Plan Area must contain the following components:

- a. Site Development Plan – identifying each of the proposed existing and new building sites within the Master Plan Area and the characteristics of each, including potential uses and Gross Floor Area.
- b. Site Massing Plan – illustrating the height and massing of building volumes for each proposed building site, and including studies of anticipated shadow and wind impacts resulting from building mass.
- c. Parking and Loading Plan – identifying the locations of all parking facilities, bicycle parking facilities and facilities for loading or other vehicular service functions, and the number of spaces proposed at each location.
- d. Connectivity Plan – illustrating all pedestrian, bicycle and vehicular circulation routes within the Master Plan Area, their connections to public circulation routes and destinations outside the Master Plan Area, and approximate locations of access and egress points on each building and parking facility within the Master Plan Area.
- e. Open Space Plan – illustrating and quantifying the areas of all proposed open space and the ownership and designation of each area (e.g., Public Open Space, Publicly Beneficial Open Space) as well as descriptions of major design elements and themes to be incorporated into each space and the types of uses and activities that will be

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accommodated in each space.

- f. Ground Floors Plan – illustrating the conceptual arrangement of functions such as retail establishments and other active uses, residential and office lobbies, and utility spaces at the ground floor of each building in the Master Plan Area, including the locations and sizes of retail and other active uses that may be required or incentivized by the specific provisions of this Section 13.10.
- g. Housing Plan – providing the approximate number and mix of housing unit types proposed on each residential site, and identifying the location of dwelling units that may be required or incentivized by specific provisions of this Section 13.10.
- h. Phasing Plan – describing the general sequence in which development is proposed to proceed, and specifically describing how the phasing requirements set forth in this Section 13.10 will be met.

13.11.3 Master Plan Approval. The Planning Board shall grant a PUD special permit for a Master Plan Area upon finding that the Final Development Plan is consistent with the criteria set forth below, in addition to all other criteria applicable to approval of a Final Development Plan and any other special permits being sought, and upon consideration of the K2 Plan, Kendall Square Design Guidelines, PUD-KS ~~Site Planning and Design Guidelines~~ Urban Design Framework and other City plans and guidelines applicable to Kendall Square. The PUD special permit may identify specific components of the development (such as building design, open space design and other elements) as well as specific modifications to the Final Development Plan that may be subject to future approval by a written determination of the Planning Board. Otherwise, any modifications to a Final Development Plan for a Master Plan Area shall be considered pursuant to the PUD Amendment provisions set forth in Section 12.37 of this Zoning Ordinance.

13.11.4 Master Plan Criteria. A Final Development Plan for a Master Plan Area shall meet the following objectives, subject to approval by the Planning Board:

- (1) Providing a mix of commercial, including research and technology, and residential uses, with particular emphasis on housing and ground-floor retail, to encourage activity throughout the day and evening.
- (2) Incorporating a diversity of housing typologies and dwelling sizes that are appealing and accessible to a variety of users.
- (3) Breaking up large blocks to increase permeability and create a fine-grained network of connections that seamlessly integrates the PUD district with the surrounding urban fabric of Kendall Square and East Cambridge.
- (4) Sensitively managing the height and bulk of new buildings to mitigate impacts on surrounding uses and public space.
- (5) Creating an integrated network of high-quality streets and open spaces, including significant space for public gathering and recreation, that encourages and fosters a sense of community, civic engagement, social interaction, economic development and environmental sustainability.
- (6) Providing a strong street edge on major public streets, including Broadway and Third Street, to create a memorable “main street” experience.

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- (7) Providing active ground floors that animate streets and open spaces, and add to the vitality of Kendall Square.
- (8) Enhancing the architectural diversity of the district to harness the spirit of innovation and creativity in Kendall Square.
- (9) Promoting environmental sustainability in building and site design.

13.11.5 Pre-Application Conference. In the course of preparing a Development Proposal for a Master Plan Area, the developer shall be required to participate in at least one PUD Pre-Application Conference as established in Section 12.33 of this Zoning Ordinance. The purpose of the conference will be to discuss conceptual alternatives for site arrangement, building massing, circulation systems and public space arrangement, and for the developer to receive informal feedback from the Board prior to preparing the materials required in Section 13.11.2. As set forth in Section 12.33.2, any statement made by the Planning Board or developer at the Pre-Application Conference shall not be legally binding. Notwithstanding Section 12.33.3, the developer shall present graphic and written materials as needed to illustrate and describe conceptual development alternatives.

13.12 *Uses Allowed in a PUD-KS District.* The uses listed in this Section 13.12, alone or in combination with each other, shall be allowed upon permission of the Planning Board. The amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.10.

13.12.1 Residential Uses

- (1) Townhouse Development. Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a Planned Unit Development in a PUD-KS district.
- (2) Multifamily dwellings.

13.12.1.1 Transient Residential Uses

For the purposes of this Section 13.10, the following Transient Residential Uses shall be considered non-residential uses

- (1) Hotels or motels

13.12.2 Transportation, Communication, Utility and Institutional Uses. All uses listed in sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district. Telephone exchange use set forth in 4.32 g (1) shall be permitted provided that any facility having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

13.12.3 Office and Laboratory Uses. All uses listed in Section 4.34.

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13.12.4 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35 The following retail uses shall be permitted, provided that the total amount of retail Gross Floor Area (GFA) in the District PUD does not exceed 70,000 square feet five percent (5%) of the total GFA in the PUD and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area (GFA) unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the Eastern Cambridge K2 Plan and the Eastern Cambridge Kendall Square Design Guidelines.

~~(1)~~ Store for retail sale of merchandise

a. ~~Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores.~~

b. Other retail establishments

~~(1)(2)~~ Stationery and office supply store.

~~(2)(3)~~ Printing and reproduction service establishment, photography studio.

~~(3)(4)~~ Other store for retail sale of merchandise located in a structure primarily containing non-retail use provided no manufacturing, assembly or packaging occur on the premises.

~~(4)(5)~~ Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

~~(5)(6)~~ Restaurants or other eating and drinking establishments listed in Subsection 4.35 e, f, and g.

~~(6)(7)~~ Theater or hall for public gatherings.

~~(8)~~ Art/Craft Studio

~~(9)~~ Bakery, Retail

13.12.5 Institutional Uses. All uses listed in Section 4.33 f and g.

13.12.6 Other Uses. Any use not listed in subsections 13.12.1 through 13.12.4, otherwise allowed in a Business B District may be allowed by the Planning Board only upon written determination by the Board that such use is consistent with the objectives of the PUD-KS district and the policies and guidelines set forth in the ECaPSK2 Plan.

13.13 *District Dimensional Regulations.*

13.13.1 Permitted FAR. In the PUD-KS District the maximum ratio of floor area to Development Parcel shall be ~~3.0~~ 4.5, subject to the further use limitations set forth below in Section 13.13.11. For the purposes of calculating FAR, the GFA of the following uses shall be exempt from the requirements of this Section 13.13.1:

(1) GFA devoted exclusively to a use designated as Other Government Facility in the Table of Use Regulations on a Government Owned Lot, as set forth in the provisions of Section 13.112 below. Notwithstanding such exemption, a Government Owned Lot can be included in calculating the area of a Development Parcel.

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- (2) GFA devoted to retail and consumer service uses **that are listed among the Required Active Uses in Section 13.111.1 of this Ordinance, up to a maximum exemption of five percent (5%) of the non-exempt GFA in a Final Development Plan**, provided the GFA is located on the ground floor or basement level, is clearly identified within the Active Use Plan as described in Section 13.111.1 below (though the exempt GFA may exceed the required Active Use), fronts on and has a public entrance onto a public street, park, or plaza, and for each individual establishment the GFA does not exceed 5,000 square feet. The Planning Board may approve such an exemption for a space of a larger size if it is devoted to a particular type of retail that is desired in the neighborhood but requires a larger space to be feasible.
- (3) Fifty (50) percent of the GFA devoted to innovation office space, up to a maximum of five (5) percent of non-residential GFA in a Final Development Plan, as described in Section 13.111.3.3 below.
- (4) **Private outdoor decks or balconies for multi-family residential development, up to eight percent (8%) of the residential GFA of any building.**

13.13.1.1 Limitations on Non-Residential Development. In the PUD-KS District all non-residential uses shall be further limited as set forth below. Where the amount of non-residential GFA is limited to a percentage of the total GFA authorized, the calculation shall be based on GFA authorized exclusive of ~~any GFA that may be constructed as a result of the application of the FAR bonuses permitted in Section 11.200 or any GFA devoted exclusively to structured parking.~~

(1) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of less than five acres, the total GFA devoted to non-residential uses shall not exceed ten (10) percent of the total GFA ~~authorized in a PUD, exclusive of GFA exempted in Section 13.13.1 above,~~ for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall apply to each Development Parcel individually. This limitation shall not apply to any individual lot created subsequent to the Planning Board's approval of the PUD Final Development Plan.

~~Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.~~

(2) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of more than five (5) acres, the total GFA devoted to non-residential uses shall not exceed sixty (60) percent of total GFA authorized, exclusive of GFA exempted in Section 13.13.1 above, inclusive of any GFA otherwise exempt from the provisions of the Cambridge Zoning Ordinance in a PUD for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan. The limitations set forth in this Section 13.13.1.1(2) shall not apply to any individual lot within a Development Parcel created subsequent to the Planning Board approval of the PUD Final Development Plan.

The Final Development Plan shall include a Phasing Plan providing a general sequence for the construction of residential and non-residential uses. The Planning Board shall approve such a Phasing Plan if it is found to ensure that residential uses will be completed on a schedule that meets the objectives of the City and ensures compliance with the requirements of this Paragraph (2). In general, non-residential development shall not be authorized to

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exceed sixty percent (60%) of the total non-exempt GFA permitted for non-residential uses until substantial construction activity of residential uses has commenced. Full completion of the permitted non-residential GFA shall not be allowed before the full permitted residential development has been completed or substantial construction activity has commenced. The Planning Board may approve variations to the standards in this Paragraph if the Phasing Plan is found to be in general conformance with the intent of this Paragraph.

13.13.1.2 Special Affordable Housing Provisions. For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of more than five (5) acres, the following requirements shall apply in place of the Inclusionary Housing requirements set forth in Section 11.200 of this Zoning Ordinance.

- a. Notwithstanding anything to the contrary in this Ordinance, no less than ~~ten~~ **fifteen** percent (~~40%~~**15%**) of the total floor area devoted to private residential dwelling units shall be devoted to Affordable Units in accordance with the definitions and procedures set forth in Section 11.200 of the Zoning Ordinance. Such Affordable Units shall be distributed evenly throughout all residential buildings within the PUD.
- b. In addition to the Affordable Units specified in Paragraph (a) above, no less than five percent (5%) of the total floor area devoted to private residential dwelling units shall be devoted to Middle Income Units. In a Master Plan Area, such Middle Income Units may be located in one or more residential buildings, provided that buildings containing Middle Income Units are identified in the Housing Plan and Phasing Plan. For the purposes of this Section 13.13.12, Middle Income Units shall be defined as residential dwelling units for which:
 - i. the occupancy is restricted to households whose total income ~~exceeds eighty percent (80%) but~~ does not exceed one hundred twenty percent (120%) of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and
 - ii. the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other ~~equivalent~~ reasonable alternative pricing standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.
 - iii. The purpose of Middle Income Units is to provide housing opportunities for households whose total income is in the range of eighty percent (80%) to one hundred twenty percent (120%) of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size. However, within the strict limitations of Paragraphs (i) and (ii) above, the Planning Board may approve an alternative income targeting standard for Middle Income Units in any component of a Final Development Plan upon making a written determination that an alternative standard is necessary to ensure adequate ongoing occupancy for the required Middle Income Units, based on evidence and advice provided by the Affordable Housing Trust.
- c. In general, Affordable Units and Middle Income Units shall be provided in accordance with the Standards for Construction and Occupancy set forth in Section 11.204 of this Zoning Ordinance. As an exception, to serve the objective of providing additional two-bedroom

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and three-bedroom units suitable for families with children, the Planning Board may approve a Final Development Plan providing Affordable Units and Middle Income Units that are, on average, larger in area than the other dwelling units in the building. Where such units are larger in size, they may be accordingly fewer in number, provided that the requirements in Paragraph (a) and (b) are met. Nevertheless, Affordable Units and Middle Income Units shall be reasonably distributed throughout a building and may not have different interior or exterior finishes from other units, and occupants shall have access to common amenities available to other residents of the building. For a Master Plan Area, the Housing Plan component of a Development Proposal must indicate the approximate mix of unit types and sizes for Affordable Units and Middle-Income Units in each residential building if the units are not proposed to be distributed proportionally within each building.

- d. Notwithstanding the provisions of Section 11.203.2 of the Inclusionary Housing requirements, no increase in Floor Area Ratio or Gross Floor Area beyond the limitations set forth in Section 13.13.1 shall be provided for a PUD subject to the requirements of this Section 13.13.1.2.
- e. Notwithstanding paragraphs (a) through (d) above, if the Inclusionary Housing requirements applicable citywide are amended subsequent to June 1, 2015 such that more than fifteen percent (15%) of the total floor area devoted to residential units must be devoted to Affordable Units, or such that more than twenty percent (20%) of the total floor area devoted to residential units must be devoted to any combination of Affordable Units or Middle Income Units, then those citywide Inclusionary Housing requirements shall supersede the requirements of this Section 13.13.1.2.
- f. New housing shall include a range of dwelling unit types and sizes. At a minimum, five percent (5%) of the residential Gross Floor Area in a Final Development Plan shall be devoted to dwelling units with three bedrooms or more, **which shall be designed to accommodate families with children.**

~~Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.~~

~~At least ninety-five (95) percent of the authorized non-residential GFA must be located on the portion of said lot or lots having an Office 2 base district designation.~~

~~However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) the Planning Board may in its discretion approve a Final Development Plan providing GFA in excess of sixty (60) percent of the authorized GFA in the PUD provided it is conclusively demonstrated to the Planning Board that all residential GFA required to be developed on such lot or lots in their entirety, by this Paragraph, has already been constructed.~~

~~(3) For the entire PUD-KS district, the first 50,000 square feet of retail and customer service uses authorized in total in all approved PUDs shall not be counted toward the non-residential GFA limitations of Paragraphs (1) and (2) above provided the GFA is located on the ground floor of a multistory building, fronts on and has a public entrance onto Third Street, Broadway, or a public park, and for each individual establishment the GFA does not exceed 10,000 square feet.~~

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13.13.2 Minimum Development Parcel Size. The minimum size of a Development Parcel within the PUD-KS shall be the greater of (1) 40,000 square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. A Development Parcel within the PUD-KS may contain noncontiguous lots elsewhere in the PUD-KS district or within a contiguous PUD district. There shall be no specified minimum lot size for lots located within a Development Parcel.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creating a Development Parcel meeting the size requirements of this Section 13.13.2, the Planning Board may in its discretion approve a PUD application having a smaller Development Parcel size.

13.13.3 Residential Density. ~~For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel. There shall be no required minimum Lot Area Per Dwelling Unit in the PUD-KS District.~~

13.13.4 Maximum Building Height.

13.13.4.1 The maximum height permitted in the district shall be ~~sixty-five (65)~~ two hundred fifty (250) feet except as it may be further limited or permitted below. The permitted heights are further illustrated on the Building Height Regulation Map for the PUD-KS, Map 13.11.

- (1) ~~Reduced Building Height to One Hundred Forty Two Hundred Feet. The maximum height shall be reduced to one two hundred forty (140/200) feet in portions of the PUD-KS District within one hundred fifty two hundred twenty-five (150/225) feet of the centerline of Binney Street.~~
- (2) ~~Reduced Building Height to Eighty-Five Feet. The maximum height shall be further reduced to eighty-five (85) feet in the portion of the PUD-KS District bounded by the centerline of Binney Street, the centerline of Third Street, a line four hundred twenty-five (425) feet north of and parallel to the centerline of Broadway, and a line seventy-five (75) feet west of and parallel to the centerline of Fifth Street, including the extension of such lines to their intersection with other reference lines identified in this Paragraph.~~
- (3) ~~Increased Building Height to Three Hundred Fifty Feet and up to or Five Hundred Feet. In the portion of the district **not described in Paragraphs (1) and (2) above, the Planning Board may approve a Final Development Plan containing building heights exceeding two hundred fifty (250) feet but not to exceed five hundred (500) feet, subject to the following limitations that may be waived by the Planning Board only upon a finding that any such waiver(s) will result in a superior development that better conforms to the objectives of this Section 13.10, the standards in Section 13.13.42, and applicable city plans and guidelines. Further, the Planning Board must find that any buildings above three hundred and fifty (350) feet are of a distinctive and particularly high quality architectural design.** within a distance of four hundred twenty-five (425) feet from the centerline of Broadway, the Planning Board may approve one building that is of exceptional architectural quality to exceed two hundred fifty (250) feet but not to exceed five hundred (500) feet and other buildings to exceed two hundred fifty (250) feet but not to exceed three hundred fifty (350) feet, provided that no~~

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~~more than twenty percent (20%) of the area of that portion of the district may be covered by buildings or parts of buildings exceeding two hundred fifty (250) feet in height.~~

- a. **No more than ten percent (10%) of the land area of the Development Parcel may be covered by portions of buildings in excess of two hundred fifty (250) feet in height.**
- b. **No individual story of a building located above two hundred fifty (250) feet in height shall have a gross floor area exceeding fifteen thousand (15,000) square feet.**
- c. **No more than one building shall be allowed to exceed three hundred fifty (350) feet in height. In reviewing a Development Proposal or Final Development Plan including a building that exceeds three hundred fifty (350) feet in height, the Planning Board shall determine whether the taller building supports the objectives for Kendall Square set forth in the K2 Plan, Kendall Square Design Guidelines and PUD-KS Urban Design Framework.**

~~Additional Building Height to Eighty-Five Feet. The maximum height shall be eighty-five (85) feet in the areas described below:~~

~~(a) An area bounded by the centerlines of Fifth Street, Monroe Street, Third Street and Potter Street.~~

~~(b) An area bounded by the centerline of Potter Street and its northwesterly extension; then the centerline of the former Sixth Street (the MXD district boundary line); then a line northeasterly of, parallel to and two hundred (200) feet distant from the northeasterly sideline of Broadway; then a line northwesterly of, parallel to, and three hundred (300) feet distant from the northwesterly sideline of Third Street, to the point of beginning.~~

~~(2) Additional Building Height to One Hundred and Twenty Feet. The maximum height shall be one hundred and twenty (120) feet in that area bounded by areas described in Paragraph (1) above; then the centerline of Third Street; then a line northeasterly of, parallel to, and one hundred (100) distant from the northeasterly sideline of Broadway; then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning.~~

~~(3) Additional Building Height to One Hundred and Eighty Feet with Portions to Two Hundred and Fifty Feet. The maximum height shall be one hundred and eighty (180) feet in that area bounded by the area described in Paragraph (2) above; then the centerline of Third Street; then the centerline of Broadway; and then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning. However, portions of buildings may rise above one hundred and eighty (180) feet to no more than two hundred and fifty (250) feet provided the area of all floorplates of portions of buildings above 180 feet do not exceed ten percent of the total area of the Development Parcel.~~

~~(4) Portions of Buildings limited to Forty five Feet. Notwithstanding the provisions of Paragraphs (1) – (3) above, any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 45 feet only if for each floor above 45 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 45 feet is attained. Alternately, a set back of 20 feet from the~~

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~~façade of the building at a height of 45 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted in Paragraphs (1) – (3) above or any variation between the two provisions.~~

~~13.13.42~~ The Planning Board shall not approve any Final Development Plan in the PUD-KS District not in conformance with the regulations of Section 13.13.4 above. ~~In the portion of the PUD-KS that allows buildings to 200 feet or more, the Planning Board may approve a building up to 250 feet if other buildings or portions of buildings in that portion of the Development Parcel are no higher than one hundred and fifty (150) feet.~~

~~13.13.43.2~~ In evaluating a ~~development proposal~~ Development Proposal and/or a Site Massing Plan for a Master Plan Area providing building height in excess of ~~one hundred and twenty (120) one hundred twenty-five (125)~~ feet, the Planning Board shall give consideration to evidence presented on the following:

(a) ~~that increased height is located on the site and designed in such a way to reduce the impact of shadows, excessive wind, and obstruction of light and views, with specific consideration given to residential buildings and public spaces will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent than if the building height did not exceed one hundred and twenty (120) feet;~~

(b) ~~that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;~~

(c) ~~that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location be sensitively managed to provide an appropriate scale at interfaces with adjoining lower scale uses, such as through more harmonious relationships to the terrain and to the proposed and existing buildings and open spaces in the vicinity that have functional or visual relationships to the proposed building;~~

~~that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and~~

~~(d)~~ that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

~~The (de) if applicable, the~~ additional height permits accommodation of GFA transferred from the Eastern Cambridge Development Rights Transfer Donating District.

~~Notwithstanding the provisions of Paragraphs (a) through (de) above, †~~The Planning Board also shall consider ~~give consideration to~~ the consistency of any Final Development Plan in achieving the design and site planning goals, as well as the measures set out to achieve these goals, as set forth in the K2 Plan, the Kendall Square Design Guidelines and PUD-KS Urban Design Framework.

~~13.13.5~~ Other Dimensional Requirements. There shall be no minimum width for the ~~D~~development ~~P~~parcel and no minimum width for lots located within the ~~D~~development ~~P~~parcel. There shall be no minimum required front, rear and side yard requirements for a ~~D~~development ~~P~~parcel or for lots located within a ~~D~~development ~~P~~parcel. The Planning Board shall approve all such lot sizes and building setbacks.

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13.14 *Open Space.* The following Open Space requirements shall be met on each Development Parcel.

(1) For that portion of a Development Parcel consisting of lots described in Section 13.13.1.1, Paragraph (1) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of that portion of the Development Parcel.

(2) For that portion of a Development Parcel or Master Plan Area consisting of lots described in Section 13.13.1.1, Paragraph (2) above, ~~any combination of Public Open Space, Green Area Open Space or Permeable Open Space,~~ as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least ~~Forty-two (42)~~ twenty-five (25) percent of the area of that portion of the Development Parcel, subject to the further ~~limitations~~ standards set forth in Section 13.14.1 below. For the purpose of this Section 13.10, Open Space on a Government Owned Lot in accordance with Section 13.112 shall be considered Public Open Space as defined in this Zoning Ordinance provided that it is intended for the use and enjoyment of the general public; however, Open Space on a Government Owned Lot may not fulfill more than twenty percent (20%) of the public open space requirement set forth in this Section.

Owners of adjacent Development Parcels may collectively provide the required open space ~~by easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity~~ provided the Planning Board finds that the owners of each Development Parcel have provided written evidence of an agreement that the total amount of open space required for both Development Parcels is provided and that the Open Space Plans for each Development Parcel meet the standards for approval. In that event, the Planning Board shall record in the Special Permits for each PUD the amount of open space required on each Development Parcel ~~each Development Parcel shall, for purposes of this Section 13.10 be deemed to include that portion of such open space as the owners shall allocate to it in chosen legal instrument.~~

All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.14.1 **Additional Standards for Required Public Open Space. For Public Open Space required in Section 13.14, Paragraph (2) above, the Planning Board shall approve a Final Development Plan only if it finds that the following standards are met:**

- a. **The open space includes at least one large civic space that is sited, designed and programmed to be a gathering place for all members of the community, including residents, workers, visitors, families, children, young adults, seniors and persons with disabilities. Such civic space shall be under the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City.**
- b. **All Public Open Space, including the large civic space, shall be arranged into an integrated system that provides public connections to streets, other public spaces**

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surrounding the Development Parcel, and Active Uses (as defined in Subsection 13.111.1 below) at the ground floors of buildings where they abut open space.

- c. Public Open Space fulfilling the requirements of this Section must serve an explicit public function, which may include active or passive recreation, pedestrian or bicycle connections, enjoyment of natural environments, spillover activity from publicly accessible ground floor uses, public performances or other programming opportunities. Public Open Space shall not fulfill these requirements if it is found only to provide landscaped yards for buildings or access to building entrances that are not intended to be used by the general public.

For that open space required in Section 13.14, Paragraph (2) above, the required open space shall consist in part of a contiguous 7.5 acre Public Open Space to be located in the northwest quadrant of the PUD-KS district as further described and located in the Eastern Cambridge Plan. The Public Open Space shall be under the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD special Permit and when conveyed to the City shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creation of a 7.5 acre park, the Planning Board may at its discretion approve a Final Development Plan providing a contiguous Public Open Space of less than 7.5 acres. In approving such a Final Development Plan the Planning Board shall find that a smaller facility continues to meet the objectives of the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines.

- 13.14.2**—The Planning Board shall encourage development that is located adjacent to a Public Open Space to be physically and functionally integrated with the open space by means of building orientation, active frontages, location of building entrances, pedestrian linkages between major activity centers, and similar techniques in accordance with the objectives set forth in the K2 Plan and the Kendall Square Design Guidelines and PUD-KS Urban Design Framework.
- 13.15** *Perimeter and transition.* Any part of the perimeter of a PUD-KS which fronts on an existing or future street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Developments in the PUD-KS district should provide integrated pedestrian circulation systems, with particularly strong linkages to the Broad Canal and the riverfront, Kendall Square, and the Eastern Cambridge neighborhoods.
- 13.17** *Parking and Loading Requirements.* Development in the PUD-KS District shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified by this Section 13.17.
- 13.17.1** With regard to uses contained within new commercial buildings, provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.17 may be satisfied (a) anywhere in the PUD-KS District or, if located outside of

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the PUD-KS District, within 2,000 feet of the use being served, notwithstanding anything to the contrary contained in Article 6.000; and (b) in total or in part by a lease agreement between the Developer and the City, other public entity or private owner or consortium for use of parking spaces in the public or pooled private parking facilities within said area.

- 13.17.2** All parking provided within an approved PUD shall be considered collectively accessory to all approved uses within the PUD. Notwithstanding anything to the contrary in Article 6.000, this Ordinance shall not restrict the management and assignment of parking spaces in a way that will most efficiently utilize the existing and proposed parking spaces to serve all approved uses. As an exception to these rules, all parking spaces (whether existing or proposed) that are accessory to an Other Government Facility use as listed in Section 4.33, paragraph (g) of the Table of Use Regulations shall be distinctly identified and shall not be accessory to any other uses.
- 13.17.3** Minimum Parking. In approving a Final Development Plan for a Development Parcel, the Planning Board may waive any minimum parking requirements applicable in the zoning district, with the exception that parking for residential uses shall not be less than 0.5 parking spaces per dwelling unit. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces. The Planning Board shall specify a minimum parking requirement for a PUD based on review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, including the Shared Parking Study as required below and with the guidance of City agencies.
- 13.17.4** Maximum Parking. Maximum allowed parking for a PUD shall be limited by applying the rates set forth below to each use within the PUD and taking the summation of the result for all uses. For any use not listed below, the maximum parking ratio set forth in Article 6.000 shall apply. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.
- ~~a. Maximum of 0.9 spaces per 1,000 square feet of GFA for office uses, excluding technical office (Section 4.34(a-e)).~~
 - a. Maximum of 0.8 spaces per 1,000 square feet of GFA for office uses, including laboratory use and technical office uses (Section 4.34(f)).**
 - b. Maximum of 0.75 spaces per residential dwelling unit (Section 4.31(d-g)).
 - c. Maximum of 0.5 spaces per 1,000 square feet of retail (Sections 4.35 and 4.36).
 - d. Maximum of 1 space per 4 sleeping rooms for hotel use (Section 4.31(i)(2)).
- 13.17.5** Shared Parking Study. A Development Proposal for development in the PUD-KS District shall include an analysis of anticipated parking demand for all uses in the development throughout the course of a typical day and week. This analysis may identify opportunities for reducing the total amount of parking required to serve all uses through the sharing of parking spaces by multiple uses. Based on this analysis, the Planning Board may approve a reduced minimum or maximum parking requirement upon finding that the approved amount of parking will be sufficient to serve all permitted uses.
- 13.17.6** Interim Use of Surface Parking. On an interim basis, in anticipation of later construction of structured parking sufficient to meet all parking requirements, on grade open parking shall be allowed in a Development Parcel subject to the following conditions:

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(1) The future parking structure will be constructed within the Development Parcel but it may be located either on or off of the lot which it will serve;

(2) Construction of the replacement parking structure will commence within four years of the date of certificate of occupancy for the building initially served by on grade parking;

(3) The future parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building;
and

(4) Binding commitments exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (1) through (3) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

~~13.17.1~~ Off street parking facilities shall be provided as follows:

~~(1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.~~

~~Public Assembly: Number of seats requiring one space: 15.~~

~~(3) Institutional: 1 space per 1,800 square feet.~~

~~(4) Retail (except as noted in Section 13.17.2 below) and Office: _____~~

~~Ground floor: 1,125 square feet~~

~~_____ Other level: 1,800 square feet~~

13.17.27 Ground Floor Retail and Customer Service Uses. Retail and customer service uses fronting on and having a public entrance onto a public street or a public open space, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to the other provisions of this Section 13.17.4 above.

13.17.8 Loading. The Planning Board, in its approval of a Final Development Plan, may waive any requirements for the amount, location and design of loading facilities within a Development Parcel, and may permit loading facilities to be shared across various uses and lots within the PUD-KS District.

13.18 Traffic **Transportation** Mitigation Measures. In reviewing a development proposal ~~Development Proposal~~ under the provisions of this Section 13.7010 and Section 19.20, ~~t~~The Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan approval, a commitment to **implementing** a Transportation Demand Management **and Mitigation** Program consistent with the reduced parking mandated in this PUD **zoning and the capacity limitations of the transportation network that serves the Kendall Square area, including roadways and public transportation systems.** The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development, ~~and~~ the mix of uses proposed, and **development phasing.**

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(3) The assumptions employed with regard to the proportion of automobile use trips by each mode for those traveling to the site.

(4) The limitations on roadway capacity to accommodate new vehicle trips, and

(5) The impacts of increased demand on public transportation services in the Kendall Square area and measures to offset or mitigate such impacts.

For examples of such Measures, ~~t~~The Planning Board shall refer to the ~~Eastern Cambridge Plan~~ Kendall Square Central Square (K2C2) Planning Study, the Massachusetts Department of Transportation Kendall Square Mobility Task Force study, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management and Mitigation measures applicable to any approved PUD. In approving a Final Development Plan, the Planning Board may require measures to be linked to milestones, thresholds or performance standards in order to connect the outcomes of the Transportation Demand Management and Mitigation Program to the scale and pace of development within the PUD.

13.19 *Relationship to MBTA Urban Ring Future Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to future transportation options intended to connect existing radial transit lines (subway, commuter rail, and bus), as identified in the K2 Plan, including the implementation of bus rapid transit (BRT) service ~~the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.~~

13.110 Residential Uses Abutting Binney Street. Where any Development Proposal locates residential dwellings along Binney Street, the Planning Board shall, in approving a Final Development Plan containing such residential units, be satisfied that the negative impacts of truck and other heavy vehicular traffic on Binney Street will be adequately mitigated for the residents of the proposed dwelling units. Such mitigation shall be achieved through the location of the buildings within the Development Parcel and the distribution of activities within those buildings; the provision of setbacks, landscaping and similar kinds of buffers; the inclusion of non-residential uses at the ground floor; the employment of construction techniques to minimize the transmission of sound and vibrations; and/or through the employment of any other appropriate measures.

~~**13.111** Other Housing Provisions. New housing shall include a range of dwelling unit types and sizes. At a minimum, five percent (5%) of the residential Gross Floor Area in a Final Development Plan shall be devoted to dwelling units with three bedrooms or more.~~

13.111 Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in Kendall Square. The Planning Board shall approve a Final Development Plan in the PUD-KS District only after finding that in addition to all other applicable requirements the following requirements standards have been met. The Planning Board shall, in addition, include conditions in the approval of a Final Development Plan that will ensure ongoing compliance with these requirements.

13.111.1 Required Active Uses. Final Development Plans shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, for those buildings in the PUD immediately fronting a public street, public park, or public plaza, with the exception of buildings on a Government Owned Lot that are exempt from GFA per the provisions of Section 13.112, the

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first floors of these buildings shall generally be planned, designed, constructed and used for Active Uses as defined required below.

- a. Definition of Active Uses. For purposes of this Section, “Active Uses” shall mean retail business and consumer service establishments listed permitted in Section 13.12.4; institutional uses that are generally open to the public, **such as museums and exhibition spaces; child care, education or recreation uses serving families with children; and other uses which are generally open to the public and which the Planning Board determines meet the goals of this Section.**
- b. For the purposes of this Section, Active Uses shall specifically exclude lobbies or other spaces that serve an accessory function to upper-story office, laboratory or residential uses, **and shall specifically exclude banks and similar consumer financial establishments. Furthermore, no individual bank or similar consumer financial establishment may occupy more than twenty five (25) feet of horizontal linear frontage on the ground floor of a building.**
- c. At a minimum, a total of at least seventy-five percent (75%) of the frontage on the ground floors of such buildings facing Broadway ~~and or~~ Third Street shall be devoted to spaces containing Active Uses. The Planning Board shall review an Active Use Plan as a component of a Development Proposal and a Final Development Plan describing how the proposal meets the requirements and intent of this Section.
- d. Active Uses shall have one or more entrance(s) from the sidewalk or plaza separate from the principal entrance of the building serving non-retail uses. Adequate space shall be provided along sidewalks adjoining active uses for outdoor activity (e.g. café seating) associated with those uses. Outdoor courtyards, delineated gathering space, or sitting areas are encouraged to complement active ground floor spaces.
- e. **The Active Uses in a Final Development Plan shall include at least one establishment providing a broad array of general merchandise as a convenience to residents of the surrounding neighborhoods, such as a grocery store, public market, pharmacy, general store or department store.**
- f. **At least twenty-five percent (25%) of the floor area devoted to Active Uses in a Final Development Plan, excluding those uses described in paragraph (e) above, shall be devoted to independent retail operators each occupying no more than two thousand five hundred (2,500) square feet of floor area. Such space may be provided as larger public atrium spaces containing smaller vendor stalls or kiosks.**
- g. Notwithstanding the above, the Planning Board, in approving a Final Development Plan, may grant minor modifications to the requirements set forth in this Section 13.111.1 upon finding that the proposed ~~Active Use~~ Ground Floors Plan meets the objectives of the District and the K2 Plan.
- h. Prior to submitting an application for a special permit in the PUD-KS District, the applicant shall engage the services of a consultant or other party with retail expertise to advise the applicant in connection with retail and other Active Uses to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the applicable special permit application.

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13.111.2 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new or substantially altered structures in an approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.

At a minimum, any noise or vibration emanating from new commercial or substantially altered commercial buildings shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line and shall comply with the provisions of the City of Cambridge Noise Ordinance applicable to Commercial Areas (as such term is defined in the Noise Ordinance).

In order to enforce these requirements, the applicant shall provide, in addition to a Noise Mitigation narrative required as part of Article 19.000 review, acoustical reports prepared by a professional acoustical engineer as described below:

- (a) Prior to and as a condition of the issuance of the first certificate of occupancy for a new or substantially altered commercial building, an acoustical report, including field measurements, demonstrating compliance of such building with all applicable noise requirements; and
- (b) Prior to obtaining any building permit to add any new equipment having a capacity greater than five (5) horsepower to the rooftop, a narrative report demonstrating that there will be continued compliance with all applicable noise requirements after such addition, and upon completion of such addition and as a condition thereof, an acoustical report, including field measurements, demonstrating such compliance.

13.111.3 Innovation Space. A Development Proposal containing at least two hundred thousand (200,000) square feet of new Office Uses, specifically excluding any office space designated as Other Government Facility on a Government Owned Lot pursuant to Section 13.112, shall include a plan for Innovation Office Space meeting the requirements of Section 13.111.3.1.

13.111.3.1 Required Space. For a Development Proposal containing new Office Uses (specifically excluding any office space designated as an Other Government Facility on a Government Owned Lot pursuant to Section 13.112), Innovation Office Space within the PUD-KS District must occupy GFA equal to, or in excess of, the amount of GFA that is five percent (5%) of the new GFA approved in the Final Development Plan for Office Uses. Existing GFA within the PUD-KS District may be used to meet this requirement. Where at least 40,000 square feet of Innovation Office Space is required, Innovation Office Space may be distributed in separate buildings, provided, however, that each separate "unit" of Innovation Office Space, contains at least 20,000 square feet. If less than 40,000 square feet of Innovation Office Space is required to be contained in the PUD-KS District, the Innovation Office Space must be contained in a single building.

Developers of properties within the PUD-KS District may collaborate with property owners in adjacent zoning districts in the Kendall Square area to develop joint Innovation Office Space. In such a case, the total square footage of Joint Innovation Office Space must be large enough to satisfy the sum of the requirements, if any, for such participating Developers and zoning districts.

13.111.3.2 Characteristics. For the purposes of this Section 13.111.3.2, Innovation Office Space shall have the following characteristics:

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- (a) Durations of lease agreements (or other similar occupancy agreements) with individual business entities shall be for periods of approximately one (1) month.
- (b) No single business entity may occupy more than 2,000 square feet or ten percent (10%) of the entire Innovation Office Space required to be provided in the PUD-KS District, whichever is greater. The average size of separately contracted private suites may not exceed 200 square feet of GFA.
- (c) Innovation Office Space shall include shared resources (i.e., co-working areas, conference space, office equipment, supplies and kitchens) available to all tenants and must occupy at least fifty percent (50%) of the Innovation Office Space. Individual entities occupying Innovation Office Space may include small business incubators and accelerators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing prototype fabrication or production of experimental products. Developers within the PUD-KS District obligated to provide Innovation Office Space, must provide an annual report to the City's Community Development Department showing the location and size of all Innovation Office Space, the number of separately leased spaces, information regarding the number of tenants, size of company, and area of endeavor.

13.111.3.3 GFA deductions for Innovation Office Space. For a Development Proposal required to provide Innovation Office Space, 50% of the required GFA devoted to Innovation Office Space shall not be counted toward the FAR requirements of 13.13.1 and the non-residential GFA limitations as set forth in Section 13.13.1.1.

13.111.3.4 Variations. In approving a Final Development Plan or a Minor Amendment to a Final Development Plan, the Planning Board may allow variations in the specific standards and characteristics set forth in Sections 13.111.3.1 and 13.111.3.2 above, if the Planning Board finds that the Innovation Office Space, as proposed, will be consistent with the purposes of these standards and characteristics.

13.111.4 Sustainability. New buildings constructed within the PUD-KS District shall comply with the provisions of Section 22.20 of the Ordinance. For those construction projects subject to Section 22.23, LEED certification at the Gold level or better is required. In connection with the submission requirements of Section 22.24.2.a., the Developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method. New buildings in the PUD-KS District must incorporate an integrated design approach and incorporate the best practices for meeting sustainability in the following five (5) areas:

- (a) Energy and Emissions; Steam. Each new building must conserve building energy and, to the extent applicable, reduce carbon/GHG emissions. The Developer, with each Development within the PUD-KS District, must evaluate the potential for on-site energy generation or the construction of co-generation facilities within the PUD-KS District. A Development Proposal for a commercial building shall include a study, prepared by the Developer, considering the feasibility of connecting the building(s) identified in the Development Proposal to the existing district steam system.
- (b) Urban Site and Landscaping; Water Management. The Developer, for each new building, must explore opportunities for (i) potable water use reductions, (ii) storm water management using open spaces, (iii) the incorporation of indigenous vegetation, and, (iv) stormwater for irrigation purposes. At a minimum, all new buildings within the PUD-KS District must meet the Department of Public Works' standards for water quality

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management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph. The design of buildings and outdoor spaces must also provide for vegetation such as canopy trees, green walls and other measures to reduce urban heat gain.

- (c) Cool Roofs. All new buildings approved in the District after January 1, 2014, must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance), high-albedo “white” roofs or a functionally equivalent roofing system.
- (d) Monitoring. All new buildings approved in the PUD-KS District shall be required to conform to the requirements of the Cambridge Building Energy Use Disclosure Ordinance, Chapter 8.67 of the Municipal Code.
- (e) In connection with the approval of a Final Development Plan or in connection with the granting of a Special Permit pursuant to Article 19 of the Ordinance, the Planning Board may grant dimensional and other zoning relief in order to permit the construction of a co-generation facility or other energy systems that allow developments to develop shared solutions to minimize energy usage.
- (f) A Development Proposal shall include a Sustainability Narrative describing how the project will meet the requirements set forth in this Section, and shall additionally describe the consistency of the proposed development with other sustainability goals that may be established by the City, such as mitigating urban heat island effect, promoting district energy systems, and preparedness for impacts of climate change.

13.111.5 Contribution to Kendall Square Fund. Prior to issuance of a Certificate of Occupancy for any building authorized by a PUD special permit in the PUD-KS District and containing non-residential uses not exempt from GFA pursuant to Section 13.13.1, the permittee shall be required to contribute to a Kendall Square Fund established by the City Manager. The contribution (referred to as a “Fund Contribution Payment”) shall be calculated by multiplying ten dollars (\$10.00) by the number of square feet of new GFA ~~greater than is permitted in the base districts~~ for all non-residential uses not exempt from GFA pursuant to the provisions of Section 13.13.1. The City shall use the Fund Contribution Payment pursuant to this Section 13.111.5.

- (a) Open Space and Transit Improvements. 67% of any Fund Contribution Payments shall be allocated for the establishment and betterment of publicly beneficial open spaces located in the PUD-KS District and adjoining neighborhoods, and transportation improvements and services to benefit the Kendall Square neighborhood and adjacent neighborhoods not already required by the City of Cambridge Parking and Traffic Demand Management (PTDM) Ordinance. The open space and transit improvement funds shall be allocated at the direction of a committee appointed by the City Manager, which committee shall contain representatives from Kendall Square and adjacent neighborhoods.
- (b) Workforce Development and Training. Thirty-three percent (33%) of any Fund Contribution Payment shall be allocated separately for workforce development serving residents throughout the City of Cambridge. The workforce development and training funds shall be allocated at the direction of a committee appointed by the City Manager.

13.112 Special Requirements Related to Government Use on Government Owned Lots. Where a Development Parcel or Master Plan Area in the PUD-KS district includes a Government Owned Lot as it is defined below, the special provisions set forth in this Section 13.112 shall apply notwithstanding any other regulations to the contrary set forth in this Ordinance.

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- (a) For the purpose of this Section 13.112, a Government Owned Lot shall mean a lot owned by the federal government that may be developed in conjunction with a transfer of land to a private entity, where such transferred land abuts the Government Owned Lot, and where, for the convenience of the government, the Government Owned Lot is included as part of a Development Parcel or Master Plan Area. If so included, such Government Owned Lot shall be clearly identified in a Development Proposal and Final Development Plan.
- (b) Uses on a Government Owned Lot categorized as Other Government Facility in Section 4.33, item (g) in the Table of Use Regulations in this Zoning Ordinance, if included within a Final Development Plan, shall be exempt from the requirements set forth in this Section 13.112 and elsewhere in the Ordinance, including but not limited to Floor Area Ratio (FAR) limitations, limitations on non-residential use allowed in a Final Development Plan, Active Use requirements, Innovation Space requirements, Community Fund contributions and Incentive Zoning contributions.
- (c) Notwithstanding the above, a Government Owned Lot shall be included in calculating the area of a Development Parcel for all purposes, including the calculation of FAR limitations and Open Space requirements. Public Open Space on a Government Owned Lot may be counted toward meeting the open space requirements ~~of~~ as explicitly provided in Section 13.14, regardless of any temporary limitations on access or use that may be imposed by the controlling government entity.
- (d) If a Special Permit has been granted authorizing development on a Development Parcel or Master Plan Area containing a Government Owned Lot in accordance with a Final Development Plan, and the controlling government entity later separates the Government Owned Lot from the remainder of the Development Parcel or Master Plan Area, then no future modification to development on the Government Owned Lot shall affect the development authorized in the approved Final Development Plan on the remainder of the Development Parcel or Master Plan Area, and such development shall be allowed to proceed in accordance with the Final Development Plan.
- (e) If a Special Permit has been granted authorizing development on a Development Parcel or Master Plan Area containing a Government Owned Lot in accordance with a Final Development Plan, and the ownership of the Government Owned Lot is later transferred such that it no longer meets the definition of a Government Owned Lot as set forth in Paragraph (a) above, then the provisions of this Subsection 13.112 shall no longer apply and any modifications to the Final Development Plan shall be required to conform to the requirements and procedures set forth in Article 12.000 and this Section 13.10 along with other applicable provisions of the Zoning Ordinance.

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